

Next Meeting: Monday July 28, 2014 at 7:00 PM

**Rights of Way of the Town of Rockport**  
Minutes of the Meeting of June 23, 2014  
*Approved*  
**Rockport Town Hall**

Meeting called to order 7:00 PM, Tom Kerans presiding.

**Members Present:**

Matt Cegelis, Tom Kerans, Bill Mueller, Marcia Siegel, and Mary Devaney, Phil Morrow

**Members Absent:** Jane Moginot, Jill Solomon

**Attendees:** Bill Wagner, 141 Granite Street, Jeff Hunter, 140 Granite Street, Ted Tarr, Phyllis Krenn, Celia Wolfe

**Agenda:**

**Approval of May Minutes**

Minutes of meeting of May 19, 2014 reviewed and approved.

**Approval of Special Meeting Minutes**

Minutes of June 23, 2014 reviewed and approved.

**Meeting with Town Administrator and Selectmen Report**

On May 22, 2014 Bill and Marcia met with Erin Batistelli, Selectman, and Linda Sanders, Town Administrator. The primary reason for the meeting was to sort out the clearing of Los Angeles and the subsequent dispute with Bill James. Linda said the town now has a land use attorney who will deal with Mr. James' objections and questions. They will notify us as to what to do. The land use attorney is also addressing the legal issue regarding Hillside Road to Blueberry Lane. That situation is uncertain, but the town does not wish us to drop it. Bill stated that both town officials were very supportive and appreciative of our work.

Linda Sanders told Bill and Marcia that she, the selectmen, and the land use attorney are moving forward to schedule a seminar regarding town Rights of Way. Other committees will be included.

The discussion which followed this announcement brought up open issues such as Los Angeles, Hillside, and vandalism such as the painting of rocks and damaging of signs. Questions were raised such as: Do town roads belong to the public? What is the status of paper roads? Is the assessors map an accurate and final authority? What are protocols for reporting and discouraging vandalism of ROW signs? Are there protocols established for publishing of town trails and rights of way? It was felt the central issue is "What are legal rights of way?" In addition, it was concluded that a definition of the following terms would be helpful: paper roads, rights of way, easement, town way, town landings, town conservation lands, "ways", and pedestrian access. Committee members would like to know whether town, state, or federal laws are the final authority. Jeff Hunter, attendee asked what should be done about those who put up misleading signs such as private, no trespassing, etc. when paths are actually town rights of way.

Note: the land use attorney works for the firm which represents the town, Kopelman and Page.

The Rights of Way Committee was instructed not to have Associate Members, because it gives the wrong impression regarding authority. We are to list all who attend our meetings, other than legal members, as attendees.

Linda Sanders will be the contact person for any questions for the town land use attorney.

The Selectmen and the Town Administrator's Office are supportive of the mapping project headed by Matt Cegelis and wish to be kept informed of progress and developments.

### **Update on Fiscal Year Finances**

Matt, Tom, and Jane met with the Board of Selectmen to advocate for the budget increase requested by the Committee for fiscal year 2015. The Committee was advised to request a grant from the Marine Fisheries, which was submitted by Chair Tom Kerans. However, \$3,000.00 was awarded to the Committee in April, but we were not notified. We were notified of the funds on June 7 and advised that they must be disbursed by June 30. A special meeting was held and the funds were divided into thirds for tools, signage and the clearing of trails. Since there is so little time, the process of encumbrance was explained.

### **Encumbrance requests must be in by 7/3, 7/10, 7/17**

The final encumbrances must be in by July 31 or September 30, 2014.

The Committee has designated various members to collect invoices to be submitted to ensure that funds are encumbered so we can meet our expenses.

### **Trail clearing**

Marcia Siegel met with Matt Natti, landscape vendor, and walked various trails to determine clearing needs. Listed as needing clearing are Thomas Road, the short cut from Summit Hill to Squam Road, the Headlands, and possibly a widening of Old Garden Path. Matt is reluctant to do simple things which simply require clippers. There was some disagreement among Committee members as to what exactly should be done on various trails. There was also a discussion about the use of weed killers such as Roundup on poison ivy. Emerson Point was described as being almost impassible due to poison ivy. More information is required.

A motion was made, seconded and passed to request a Purchase Order from Matt Natti for \$1000.00 to be applied to trail clearing beginning with the list agreed to with Marcia. This will be submitted to the Town Accountant.

### **Tools**

On Saturday, Matt Natti and Bill Mueller checked all our tools to determine condition and need for tuneup. They also made a list of needed new tools to be purchased.

Suggestions for New Tools:

metal spring rakes, trash barrels, iron rakes, hand saws, wheelbarrows, hand pruners, lawn mower, gloves, safety glasses, ear muffs, weed whackers,

Tom will inquire about the possibility of storing our equipment in the DPW barn. What we have is stored at Bill Mueller's house.

A motion was made, seconded and passed to authorize Matt Cegelis and Phil Morrow to purchase whatever new tools they can for up to \$1000.00.

### **Signs**

Bill Mueller and Mary Devaney presented reports on cost, style, and possible vendors for trail blaze markers and granite posts.

A motion was made, seconded and passed to authorize Bill Mueller and Mary Devaney to continue research and negotiations for blaze markers and posts up to the amount of \$1000.00.

A motion was made, seconded and passed for the purchase of two granite posts to be put at the trail heads of the Atlantic Path.

Discussion was held regarding engraving to be put on the posts. Some wanted the name of the path put on the post. Others thought "Right of Way" would be more appropriate. Matt, Mary, Bill, and Phil voted for Right of Way. Tom and Marcia voted for the names of trails. Since pricing is still uncertain and the only posts authorized

are for the Atlantic Path, this may have to be revisited. A possible compromise would be to somehow attach a sign to the top of the post designating the actual name of the right of way.

### **Delamater Preserve**

Gil McCarthy was not present to make report. However, it was made clear that the Rights of Way Committee, not ConCom is responsible for the development of trails.

### **Update on GIS Trail Mapping**

Matt Cegelis made a report stating that he and Peter Van Demark have agreed on an app from the iTunes store to be used for the project. They have prioritized trails and are making progress. Matt and Peter have met with Town Administrator Linda Sanders and three environmental groups. They were advised that easements have to be presented at Town Meeting and informal requests to private owners are not appropriate.

### **Update on visit from MA Fisheries Rep.**

Tom met with Massachusetts Fisheries Representative Ross Kessler and took him for a walk on the Atlantic Path for which we were awarded funds. Matt Natti, who will be doing the landscape and hardscape work, went with them.

### **New Business:**

#### **Captains Reports**

#### **Matt Cegelis**

The Kieran Preserve is overgrown.

The Headlands need work.

The Summit Hill short cut to Squam Road is fast becoming impassible.

The Old Garden Path sign is missing from Marmion Way. Vandalism is suspected.

A motion was made, seconded and passed to establish a protocol to report to police vandalism, stolen signs, and paint on town rocks.

#### **Bill Mueller**

Cathedral Avenue has signs posted which say private but the avenue is actually a town right of way.

Apparently, the Condo Association and neighbors nearby have been posting conflicting signs for decades.

Bill mentioned this to Linda Sanders and she will refer it to the land use attorney for resolution.

We will stay out of the dispute.

#### **Mary Devaney**

Cape Ann Trails Stewards sent representatives to inspect the Briar Swamp Boardwalk.

They are interested in repairing it as a project and will start getting the appropriate permissions, funding, and permits. Actual work is not expected before fall.

### **Next meeting:**

**Monday, July 28, 2014 7:00 PM**

**Town Hall Conference Room A**

Meeting adjourned at 9:15.

Respectfully submitted,

Mary Devaney